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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/073,582

02/12/2002

David S. Browe

4255

7590

02/27/2003

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EXAMINER

TIBBITS, PIA FLORENCE

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,582

Applicant(s)

BROWE, DAVID S.

Examiner

Pia F Tibbits

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. In addition, this listing is available on-line at <http://www.uspto.gov/web/offices/dcom/olia/oed/roster/region/index.html>. Other materials and information that may be helpful to the independent inventor are available at <http://www.uspto.gov/web/offices/com/iip/index.htm>

Oath/Declaration

1. The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 601.01(a).

a) It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

b) It does not include the notary's signature.

c) It does not include the notary's seal and venue.

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Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged, and at amendment, the provisional application upon which priority is claimed will be checked to establish whether it provides adequate support under 35 U.S.C. 112 for the claim of the instant application.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because The drawings are objected to under 37 CFR 1.83(a) because they fail to show the conventional names, as described in the specification, e.g. batteries, etc. for the elements 12, 16, 18, etc., shown in figures 1-4 with non-conventional symbols. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "44" has been used to designate both a reverse osmosis filter (page 6) and a reverse osmosis filter system (page 8). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the desalination system must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Specification

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. For example:

a) on page 5 of the specification, "automobile batteries" are described, which is not correct.

b) on page 8 of the specification, "Water is then dispensed. Water is then dispensed into an appropriate container."

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed: "Renewable stored energy power generating apparatus" is really not what the applicant's disclosure describes or claims. The applicant uses a power supply for a water filtration system.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-18 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. **The structure which goes to make up the apparatus must be clearly and positively specified.** The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 1: The limitations recited in the preamble do not clearly give meaning to the claims. For example:

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a) the statement "**said apparatus is ready for operation except for a deployment of said renewable energy sources**" contradicts a preceding statement, i.e., "**storage batteries for providing auxiliary power when required**". Applicant needs to distinguish whether the solar panels provide continuous power or not.

b) the statement "**a fresh or salt water filter**" contradicts a preceding statement "a water filtration system", which implies the use of fresh water. Furthermore, applicant is reminded that "or" should only be used with alternate terms, e.g., rod or bars, etc.

c) it is not clear why "**a renewable stored energy generating apparatus**" comprises a water filtration system, a pump, a filter, etc.

Claims 3-7: The functional recitations "for storing", "for receiving", "for connecting", and "for converting", have not been given patentable weight because they are narrative in form.

Claim 10: the statement "A water filtration apparatus that is self-contained within a stand-alone container" lacks antecedence in the specification, and is confusing since fig.1 describes container 12 containing batteries, and on page 5 of the specification it is described "A pair of such DC outlets 26 are shown at the side of the enclosure or container 12 in Fig. 3".

Claims 1-18: applicant fails to recite the limitations fully and clearly, which makes it difficult to find support, as well as provide proper antecedence for all claimed limitations.

The above are but a **few** specific examples of indefinite and functional or operational language used throughout the claims, and are only intended to illustrate the extensive revision required to overcome the rejection under 35 USC 112-second paragraph. The above-mentioned corrections therefore, are in no way a complete and thorough listing of every indefinite and functional or operational language used throughout the claims. Applicant is required to revise all of the claims completely, and not just correct the indefinite and functional or operational languages mentioned. The following art rejections are given in view of the above rejections of claims under 35 USC 112, second paragraph. Therefore, the following art rejections are applied only as far as the claims are understood in view of rejections made under the second paragraph of 35 USC 112. Applicant is required to submit an amendment, which

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clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10, 11, 14-18, as best as they can be understood at this time, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Staschik** [6393775].

For examination purposes, the application was considered to address as **intended limitations** a power supply apparatus for a water filtration system.

Staschik discloses a module that allows a dwelling to operate independently of conventional municipal service connections including a potable water purification and storage system; and a stand-alone electricity system based on photovoltaic components, wind generator, with diesel-powered co-generation back-up system [column 1, line 67; column 2, lines 5-8]. Typically the electric power supply means is selected from solar (photovoltaic), local grid, storage battery, and generator[column 6]. Although electricity may be supplied by solar (photovoltaic), storage battery, grid system or local generator, a storage battery bank 94 and a control panel 96 for a photovoltaic solar system are also conveniently provided [column 9, lines 18-22]. Fig.6 discloses a water storage tank 44. The patent describes that the system can be geared to the special needs of servicing by phone; or at least so the serviceman knows what type of replacement **pump** to bring. Staschik does not disclose specifically a pump being included in the system.

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It would be obvious to one skilled in the art to choose a pump for the water filtration system without undue experimentation.

Official Notice is taken with regard to claims 5-7 since it is well known in the art to use a 12 volt or 110 volt outlets to deliver electricity to users.

As to claims 14-18, having multiple panels fastened to a basic frame assembly; the panels including two side panels, a rear panel, a front panel and a top cover panel; the top cover having two openings at a top surface thereof and a semicircular support element protrudes through each of said openings; a frame support assembly having support struts and the struts being fastened to each of the semicircular support elements; and the frame support assembly forms a base for supporting the solar panels: Staschik discloses the photovoltaic panels 252 in fig.2, it is an inherent function of Staschik's modular potable water purification and storage system powered by a stand-alone electricity system based on photovoltaic components to provide support for the photovoltaic panels, and MPEP 2100 states that the disclosure of a limitation may be expressed, implicit or **inherent**.

3. Claims 8, 9, 12 and 13, as best as they can be understood at this time, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Staschik**, as described above, in combination with **WO 9837950** [hereinafter WO].

Staschik discloses a modular potable water purification and storage system powered by a stand-alone electricity system based on photovoltaic components. Staschik does not disclose a reverse osmosis system.

WO discloses in the abstract a portable reverse osmosis unit for producing drinking water. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the potable water purification system in Staschik's apparatus with the reverse osmosis unit disclosed by WO in order to be able to desalinize seawater and provide potable water.

Conclusion

4. The following includes general information for the applicant's benefit:

a) Applicant's Response

Unless the Office explicitly requests the return of a paper, all papers mailed to the Applicant are intended to be kept by the applicant for his or her own records. The response must be signed by ALL applicants. All responses must be submitted typewritten, at least 1½ spaced (preferably double-spaced) and on a single side of the paper. Papers filed in an application should not be filed in duplicate (or triplicate) unless specifically requested. A single copy is sufficient.

b) Amendments to the Specification

Any amendments to the specification must be presented as a list of additions and deletions, referring to the passages in question by page and line numbers. No new matter may be entered. It is not necessary to submit a new specification unless one has been required by the Examiner. As an example, an amendment to the specification should appear as follows:

On page 16, line 12, change "effect" to --affect--.

On page 23, line 4, insert --fastener-- after "loop".

(Note: the inserted language is placed between double dashes.)

c) Amendments to the Claims

Short amendments to the claims should be presented in the above format using claim number and the line number within the claim. However, if an amendment to a claim requires the addition of more than five words, the claim must be completely rewritten with the additions to the claim being underlined. Any deletions from the claims should be enclosed in brackets. No matter may be inserted into the claims that was not in the originally filed disclosure. As an example, if a claim for a chair were originally written as follows:

1. A chair comprising a horizontal seat, a vertical back, and a plurality of vertical support members.

An amended version of this claim might then be written as follows:

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1. (Amended) A chair comprising a horizontal seat, a vertical back, and [a plurality of] four vertical [support members] legs attached to said seat.

In this example, the words "a plurality of" and "support members" have been deleted from the claim. The words --four-- and --legs attached to said seat-- have been inserted. If the specification or drawings originally described the inclusion of four legs on the chair, the new limitation of "four legs" in the claim would not constitute new matter.

c) Arguments

If an Office action contains a rejection or objection to the claims, the applicant MUST respond with changes or arguments. Arguments should be in a section under the heading "Remarks" pointing out disagreements with the examiner's contentions. The applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or patentably distinguish from them. The applicant must respond to every ground of rejection and objection set forth in the Office action. For more details of the amendment process, the applicant can refer to 37 Code of Federal Regulations Sections 1.118 - 1.121.

d) New Matter

As previously mentioned, no amendment to the specification, claims, or drawings may introduce new matter. "New matter" constitutes any material, which meets the following criteria:

1. It is added to the disclosure (either the specification, the claims, or the drawings) after the filing date of the application, and
2. It contains new information, which is neither included nor implied in the original version of the disclosure.

This includes the addition of physical properties, new uses, etc.

e) Period for Response

The three month shortened statutory period specified in the cover letter (form PTO-326) is the period of time in which the applicant has to respond to every rejection and objection within this Office action. Applicant's response must be received within three months of the date listed on the cover letter, or the

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application will be held abandoned. This period, however, may be extended up to a maximum of six months, with the payment of the appropriate fee. The response must also contain a statement requesting "an extension of the period for response under 37 CFR 1.136(a)". Applicant is hereby cautioned that the listing of fees may have changed since the mailing of this Office action. Applicant is advised to confirm the correct amount by calling PTO's Public Service Center at (703) 308-HELP.

f) Frequently, pro se applications contain multiple inventors. Unless there is a power of attorney given to one of the inventors, all of the inventors must sign all responses. To help assure that responses are acceptable, it is suggested that the following be included in any pro se application that contains multiple inventors without power of attorney. Applicants are reminded that any response to this Office action must be signed by both inventors. Alternatively, one of the inventors may give power of attorney to the other, who may then conduct correspondence for both parties.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, as best as it can be understood at this time. The prior art cited in PTO-892 and not mentioned above disclose related apparatus, as best as it can be understood at this time.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pia Tibbits whose telephone number is (703) 308-7305. If unavailable, contact the Supervisory Patent Examiner Mike Sherry whose telephone number is (703) 308-1680.


7. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications only may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

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A handwritten signature in black ink, appearing to read 'Pia Tibbits', written in a cursive style.

Pia Tibbits

PFT

February 20, 2003

Patent Examiner